

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Arthur Ginsberg

Plaintiff

v.

James L. DeHart,

John P. Griffith,

Landya B. McCafferty,

Margaret H. Nelson,

Diane M. Nicolosi,

Max and Maxine Does 1-12,

Ned and Nadine Zoes 1-12

Case No. 10-cv-452-JL

Defendants

**OBJECTION TO PLAINTIFF’S “CORRECTED MOTION TO ADD A PARTY
DEFENDANT PURSUANT TO RULE 21 OF THE FEDERAL RULES OF CIVIL
PROCEDURE WITH INTEGRATED MEMORANDUM OF LAW”**

Defendants James L. DeHart, Esq., Margaret Nelson, Esq., the honorable Diane M. Nicolosi, and the honorable Landya B. McCafferty (collectively “NHADO defendants”) submit this *Objection to Plaintiff’s “Corrected Motion to Add a Party Defendant Pursuant to Rule 21 of the Federal Rules of Civil Procedure with Integrated Memorandum of Law.”* An additional memorandum of law is unnecessary as the objection does not rely on an analysis of legal authorities or facts outside those alleged by the plaintiff. LR 7.1(a)(2).

1. The plaintiff states in his motion to add a party defendant that he is challenging the constitutionality of rules and that such rules were promulgated by the “Judges of the New Hampshire Supreme Court.” *Motion to Add*, ¶ 1.¹

¹ References to the plaintiff’s motion shall be given as *Motion to Add*, ¶ ____.

2. However, the plaintiff acknowledges that the party he is trying to add, former N.H. Supreme Court Chief Justice John Broderick, is no longer a member of the N.H. Supreme Court. *See Motion to Add*, ¶ 3 (describing Justice Broderick as “recently retired”).

3. Based on the plaintiff’s own pleading, therefore, Justice Broderick is not an indispensable party or even the correct party with respect to the constitutionality of N.H. Supreme Court rules.²

4. Therefore, adding Chief Justice Broderick serves no purpose and will only result in delay or further complicate the current matter.

WHEREFORE, for the reasons stated previously herein, the NHADO defendants respectfully request that the court deny the plaintiff’s “*Corrected Motion to Add a Party Defendant Pursuant to Rule 21 of the Federal Rules of Civil Procedure with Integrated Memorandum of Law.*”

Respectfully submitted,

JAMES L. DeHART,
MARGARET H. NELSON
DIANE M. NICOLSI
LANDYA B. MCAFFERTY

By their attorneys,

MICHAEL A DELANEY
ATTORNEY GENERAL

/s/ K. Allen Brooks
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² The plaintiff has not requested assent or moved for the addition of the current Chief Justice of the N.H. Supreme Court in her official capacity or the N.H. Supreme Court as a body. The defendants, therefore, have not yet taken a position on the addition of these parties although the defendants would object to the addition of any party to the extent the plaintiff claims that such addition should delay this court’s ruling on the outstanding motion to dismiss.

Certificate of Service

Dated: November 24, 2010

I K. Allen Brooks, do hereby certify that on November 24, 2010, I caused the forgoing to be served on the parties by the Court's ECF system and by first class mail to: Arthur Ginsberg at 10 Glendale Drive, Nashua, NH 03064.

/s/ K. Allen Brooks
K. Allen Brooks, Bar No. 16424